

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**F I L E D**

AUG 01 2006

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

DANNY F. HUGHEY, JR., )

Defendant. )

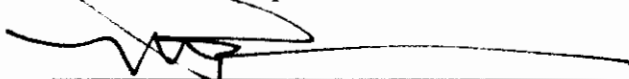
No. 06-nj-77-FHM

BEFORE: Frank H. McCarthy, United States Magistrate  
United States Courthouse, Tulsa, Oklahoma

The undersigned complainant being duly sworn states:

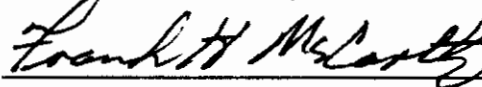
On or about the 31<sup>st</sup> day of July, 2006, in the Northern District of Oklahoma, the Defendant, Danny F. Hughey, Jr., at a place within the special aircraft jurisdiction of the United States, namely Southwest Airlines flight number 396, a civil aircraft of the United States, did assault Randy Brents, Jr., with a dangerous weapon, with intent to do bodily harm, and without just cause or excuse, by stabbing him multiple times about the neck and body in violation of Title 49, United States Code, Section 46501, 46506, and Title 18, United States Code, Section 113 (a) (3).

The complainant further states that this Complaint is based on the attached Affidavit.



MATTHEW PAUL MOOSBRUGGER, Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me, this 1<sup>st</sup> day of August, 2006.



FRANK H. MCCARTHY  
United States Magistrate Judge

**NORTHERN DISTRICT OF OKLAHOMA**

**TULSA, OKLAHOMA**

State of Oklahoma    )  
  ) ss  
County of Tulsa        )

**AFFIDAVIT**

Your Affiant deposes and states:

**I.**

**Introduction**

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed for over seven years. I am currently assigned to the Tulsa Resident Agency of the FBI's Oklahoma City division. I am experienced in investigations of several criminal violations to include investigations involving crimes aboard commercial airlines.

2. This Affidavit is submitted in support of an application for Complaint charging Danny F. Hughey Jr. for a violation of Title 18, United States Code, Section 113(a)(3), Assault with a Dangerous Weapon within the Special Aircraft Jurisdiction of the United States, Title 49, United States Code, Sections 46501 and 46506.

3. The information contained in this Affidavit was either personally gathered by your Affiant, told to your Affiant by other sworn members of the law enforcement community, or read in official reports written by sworn members of the law enforcement community.

## **II.**

### **Facts and Circumstances**

4. At approximately 1:55 p.m. on July 31, 2006, Southwest Airlines (SWA) flight number 396, traveling from Las Vegas, Nevada to Little Rock, Arkansas, diverted to the Tulsa International Airport (TIA), Tulsa, Oklahoma, which is located in the Northern District of Oklahoma. The flight diverted due to an incident whereas two male passengers had been involved in an altercation. During the course of the flight, a male passenger, Danny F. Hughey Jr., took an ink pen from an adjacent passenger and turned to the seats behind his row and stabbed another male passenger several times in about the neck area. Upon learning of the incident, SWA Captain Kevin Kozacek declared a "lockdown" and after learning Hughey was again becoming agitated declared an emergency and diverted to TIA.

5. Upon arriving at TIA, TIA police officers (TIA/PD) removed Hughey without incident from the aircraft whereas he was placed under arrest. Hughey was then taken to the TIA/PD offices and was advised of his Constitutional rights by TIA/PD officer Dan Fritz. Hughey waived these rights and agreed to speak with law enforcement officers.

6. Your Affiant, along with David Culver, Transportation Security Administration Assistant Federal Security Director for Law Enforcement, and Ken Miller, TIA Airports Deputy Director - Operations/ Law Enforcement interviewed Hughey. Your Affiant presented Hughey with the "Tulsa Police Department Notification Of Rights

Waiver" form he previously signed and confirmed his (Hughey's) waiver of his Constitutional rights. Hughey agreed to speak with your Affiant. Hughey stated he had left Sacramento, California around 6:30 am on a SWA flight and traveled to Las Vegas. He then boarded SWA flight number 396 for Little Rock, Arkansas. Hughey stated he is scared of heights and began drinking alcohol from a flask while on SWA 396. During the course of the flight, he heard two passengers behind him discussing taking the plane over. Hughey further stated the passenger next to him told him to "let it go". Hughey then grabbed a pen from the passenger and proceeded to stab one of the passengers sitting behind him. Your Affiant asked Hughey to write a statement detailing the events that took place aboard SWA 396. Hughey wrote the following:

"The guys behind me kept saying that they were going to hijack the plane - I (sic) the guy setting Beside (sic) me Had (sic) a pin (sic), so I grab His (sic) pin (sic) Because (sic) The (sic) guy Behind (sic) me Raised (sic) his Hand (sic) up Behind (sic) me and I JAB (sic) HIM (sic)."

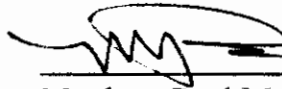
7. Your Affiant reviewed numerous written statements concerning Hughey's actions. Joel Unowsky was sitting next to Hughey on SWA 396. Unowsky stated Hughey was drinking from a flask and seemed nervous. At one point while Unowsky was falling asleep, Hughey took a pen from him and indicated he wanted to get up. Unowsky thought Hughey wanted to go to the bathroom but instead he turned and stabbed a male passenger behind Unowsky. Unowsky stated the victim was bent over and relaxed. Hughey stated to Unowsky " he was making me nervous". Christy Slocum was sitting

next to Unowsky. She also thought Hughey wanted to use the bathroom but instead Hughey grabbed a pen from Unowsky. Hughey then turned and stabbed the male passenger behind Unowsky. Slocum also observed Hughey with a flask and stated Hughey offered her a drink.

8. Randy Brents Jr. stated he was reading a magazine and partially dozing off when the man sitting diagonally in front of him (Hughey) preceded to stab him with an ink pen. Brents was stabbed in the neck twice and also received a wound to his hand while defending himself. Brents stated he had no prior contact with Hughey. Upon arriving in Tulsa, Brents was treated by local paramedics and released. He sustained two small puncture wounds on the back of his neck and a wound on his left hand. Rebecca Oliver was sitting next to Brents. She stated Brents was reading a magazine when the man in front of her started to look back at their seats. He (Hughey) kept getting up and looking back and then would sit down again. Suddenly, Hughey reached over the seat and started stabbing Brents in the back of the neck.

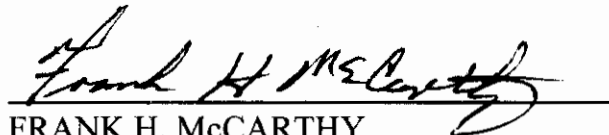
9. During the course of interviewing Hughey, your Affiant spoke with several of Hughey's family members on the telephone. Margie Hughey, Hughey's grandmother, stated Hughey had been injured several years ago whereas his legs were crushed and screws placed in his legs. She also stated he "had not been well or himself" in along time. A cousin, Ronnie, stated Hughey starts drinking early in the morning and continues all day until he passes out. Ronnie also stated Hughey had been treated for alcohol problems on several occasions. Dion Kohler, Hughey's brother-in-law, stated Hughey had been

staying with him in Sacramento for the last thirty or so days. Hughey did not want to return to Little Rock but needed to return. Kohler stated Hughey has alcohol problems which includes hallucinations and tremors from the "DTs". Kohler also stated Hughey has liver problems and may be dying. Kohler further advised Hughey has been very emotional but does not have violent tendencies. While sitting with Hughey after the incident aboard SWA 396, United States Navy Lieutenant Gregory Flores observed Hughey talking to himself. Flores also advised Hughey thought the passengers behind him were saying things, however, Flores turned and observed the passengers reading. Flores also observed Hughey attempting to hide his flask when the plane landed.



Matthew Paul Moosbrugger, Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to me before me this 15<sup>th</sup> day of AUG. 2006



FRANK H. McCARTHY  
United States Magistrate Judge